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MITIGATED NEGATIVE DECLARATION

March 16, 2011

Project Name: Pepper Villa Drive

Project Number(s): 3100 5517 (TM), 3900 08-001 (DBP), ER 06-14-045

**This Document is Considered Draft Until it is Adopted by the Appropriate
County of San Diego Decision-Making Body.**

This Mitigated Negative Declaration is comprised of this form along with the Environmental Initial Study that includes the following:

- a. Initial Study Form
- b. Environmental Analysis Form and attached extended studies for Noise, Historical Resources, Stormwater Management, and Hydrology

1. California Environmental Quality Act Negative Declaration Findings:

Find, that this Mitigated Negative Declaration reflects the decision-making body's independent judgment and analysis, and; that the decision-making body has reviewed and considered the information contained in this Mitigated Negative Declaration and the comments received during the public review period; and that revisions in the project plans or proposals made by or agreed to by the project applicant would avoid the effects or mitigate the effects to a point where clearly no significant effects would occur; and, on the basis of the whole record before the decision-making body (including this Mitigated Negative Declaration) that there is no substantial evidence that the project as revised will have a significant effect on the environment.

2. Required Mitigation Measures:

Refer to the attached Environmental Initial Study for the rationale for requiring the following measures:

1. **TRANSPORTATION:** The payment of the Transportation Impact Fee, which will be required at issuance of building permits, in combination with other components of this program, will mitigate potential cumulative traffic impacts to less than significant.
2. **NOISE RESTRICTION EASEMENT: [DPLU, BPPR] [DPLU, PCC] [MA] [DPLU, FEE X 3]** **Intent:** In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Policy 4.b\)](#), and the [County of San Diego CEQA Noise Guidelines for Determining Significance](#), a noise restriction easement shall be placed on the entire areas of Lots 4, 5, and 11 to reduce the noise exposure of land uses for sensitive receptors below levels of significance. **Description of requirement:** A Noise Restriction Easement as indicated on the approved Tentative Map 5517, shall be granted on the map. The said easement shall include and shall comply with the following:
 - a. Prior to the approval of any Building Plan and issuance of any Building Permit, a County Approved Acoustical Consultant shall perform an acoustical analysis, which demonstrates that the proposed **residential dwelling** unit(s) will not be exposed to present and anticipated future noise levels exceeding the allowable sound level limit of the General Plan community noise equivalent levels (CNEL) of 45 dB for interior noise, and a (CNEL) of 60dB for exterior noise levels. Exterior noise sensitive land uses include all Group or Private Usable Open Space as defined by [the General Plan Noise Element \(Policy 4.b\)](#).
 1. Future traffic noise level estimates must utilize a Level of Service "C" traffic flow for a Light Collector roadway for Pepper Drive, which is its designated General Plan Circulation Element buildout roadway classification.
 - b. The acoustical analysis shall make recommendations that shall be implemented in the project design and building plans, so the proposed structures and project site can comply with the noise standards referenced above.
 - c. Landscaping shall be maintained to visually screen the noise walls from Pepper Drive.
 - d. The unauthorized removal or improper maintenance of documented noise control measures and associated landscaping at a future date after the

initial condition is satisfied shall make the affected noise sensitive land use still subject to this building restriction for protection of these uses before any future building permits can be approved and issued.

- e. Prior to the approval of any Building Plan and issuance of any Building Permit, the applicant shall prepare the acoustic analysis and incorporate the proposed project design recommendations and mitigation measures, into the Building Plans. The applicant shall submit the acoustical analysis along with the building plans to the [DPLU, BD] for review and approval before the building permits can be issued. To the satisfaction of the [DPLU, PCC], the applicant shall revise the building plans or site design to incorporate any additional proposed mitigation measures.

Documentation: The applicant shall indicate the noise restriction easement on the map as indicated on the tentative map. **Timing:** Prior to the approval of the map for Lots 4, 5, and 11, the requirements of this condition shall be completed.

Monitoring: The [DPW, LDR] shall verify that the easement is indicated on the map, and that the map details the language above.

3. **PALEONTOLOGICAL MONITORING: [DPW, PDCI] [DPLU, PCC] [PC] [DPLU, FEE X2] Intent:** In order to comply with Mitigation Monitoring and Reporting Program pursuant to TM 5517, a Paleontological Resource Grading Monitoring Program shall be implemented. **Description of Requirement:** This project site has marginal levels of sensitive Paleontological sensitivity. All grading activities are subject to the [County of San Diego Grading Ordinance Section 87.430](#), if any significant resources (Fossils) are encountered during grading activities.

- a. The grading contractor is responsible to monitor for paleontological resources during all grading activities. If any fossils are found greater than 12 inches in any dimension, stop all grading activities and contact the [DPLU, PCC] before continuing grading operations.
- b. If **any** paleontological resources are discovered and salvaged, the monitoring, recovery, and subsequent work determined necessary shall be completed by or under the supervision of a Qualified Paleontologist pursuant to the [San Diego County Guidelines for Determining Significance for Paleontological Resources](#).

Timing: The following actions shall occur throughout the duration of the grading construction. **Monitoring:** The [DPW, PDCI] shall make sure that the grading contractor is on-site performing the Monitoring duties of this condition. The [DPW, PDCI] shall contact the [DPLU, PCC] if the grading contractor or applicant fails to comply with this condition.

4. PALEONTOLOGICAL MONITORING: [DPLU, PCC] [RG, BP] [DPLU, FEE].

Intent: In order to comply with the adopted Mitigation Monitoring and Reporting Program (MMRP) pursuant to TM 5517, and the [County of San Diego Guidelines for Determining Significance and Report Format and Content Requirements for Paleontological Resources](#), a Grading Monitoring Program shall be implemented.

Description of Requirement: One of the following letters shall be performed upon completion of the grading activities that require monitoring:

- a. If **no** paleontological resources were discovered, submit a "No Fossils Found" letter from the grading contractor to the [DPLU, PCC] stating that the monitoring has been completed and that no fossils were discovered, and including the names and signatures from the fossil monitors. The letter shall be in the format of Attachment E of the [County of San Diego Guidelines for Determining Significance for Paleontological Resources](#).
- b. If Paleontological **resources were encountered** during grading, a letter shall be prepared stating that the field grading monitoring activities have been completed, and that resources have been encountered. The letter shall detail the anticipated time schedule for completion of the curation phase of the monitoring.

Documentation: The applicant shall submit the letter report to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the letter report shall be completed. **Monitoring:** The [DPLU, PCC] shall review the final negative letter report or field monitoring memo for compliance with the project MMRP, and inform [DPW, PDCI] that the requirement is completed.

5. NOISE REQUIREMENT: [DPLU, PCC] [RG, BP] [DPLU, FEE].

Intent: In order to reduce the exposure to noise levels in excess of standards established by the [County of San Diego General Plan Noise Element \(Policy 4.b\)](#), as evaluated in the [County of San Diego Noise Guidelines for Determining Significance](#), six (6') foot high noise barriers shall be installed on Lots 4, 5 and 11 to mitigate the noise exposure of land uses for sensitive receptors below levels of significance. **Description of Requirement:** A signed, stamped statement from a California Registered Engineer or licensed surveyor, and photographic evidence that the sound barriers have been constructed pursuant to the approved grading plan:

- a. The sound barrier will be six feet (6') high with a minimum surface density of 3.5 pounds per square foot, consisting of masonry, wood, berm, plastic, fiberglass, steel or a combination of these materials with no cracks or gaps through or below the wall.

- b. The first sound barrier will start at the southern pad edge of Lot 4, running 40-feet east, parallel to Pepper Drive to the southeast pad edge corner with a return running in the northerly direction at a length of 20 feet along the Lot 1 eastern property line.
- c. The second sound barrier will start at the southwest pad edge corner of Lot 5, running 40-feet west, parallel to Pepper Drive.
- d. The third sound barrier will start at the southwestern pad edge of Lot 11, running 50-feet east, parallel to Pepper Drive to the southeast pad edge corner with a return running in the northerly direction at a length of 20 feet.
- f. The sound barrier details and location are shown in Figure 7, 8 and 9 and Section 5.1 Exterior within the Noise Study prepared by Eilar Associates dated September 22, 2009. Noise Study is on file with the Department of Planning and Land use as Case Number Tentative map TM5517.
- g. Landscaping shall be planted between the 6 foot high noise walls and adjacent sidewalks on Pepper Drive, outside of the bio-swales and the right-of-way, to soften the visual appearance of the walls, to the satisfaction of the [DPLU, PCC].
 - 1. Plant vines along the base of the retaining wall to eventually cover retaining wall/fencing.
 - 2. Plant shrubs on the slope at base of retaining wall to provide screening of retaining wall and portion of fence.

Documentation: The applicant shall submit the certification and the letter to the [DPLU, PCC] for review and approval. **Timing:** Upon completion of all grading activities, and prior to Rough Grading final Inspection ([Grading Ordinance SEC 87.421.a.2](#)), the certification shall be completed. **Monitoring:** The [DPLU, PCC] shall review the certification and the photos for compliance with this condition, and shall inform [DPW, PDCI] that the requirement is completed.

3. Critical Project Design Elements That Must Become Conditions of Approval:

The following project design elements were either proposed in the project application or the result of compliance with specific environmental laws and regulations and were essential in reaching the conclusions within the attached Environmental Initial Study. While the following are not technically mitigation measures, their implementation must be assured to avoid potentially significant environmental effects.

STANDARD CONDITIONS: The "[Standard Conditions \(1-29\) for Tentative Subdivision Maps](#)" approved by the Board of Supervisors on June 16, 2000, and

filed with the Clerk, as Resolution No. 00-199 (Attached Herein as Exhibit A), shall be made conditions of this Tentative Map approval. Only the following exceptions to the Standard Conditions set forth in this Resolution or shown on the Tentative Map will be authorized. **The following Standard Subdivision Conditions are hereby waived:**

1. Standard Condition 10.a: Said condition states that all fixtures shall use a low pressure sodium (LPS) vapor light source. This waiver/modification requires use of high pressure sodium (HPS) vapor light source unless within 15 miles radius of Palomar or Mount Laguna observatories (in which case fixtures shall use a low pressure sodium vapor light source) pursuant to direction from the Board of Supervisors [statement of proceedings of 1-29-03].
2. Standard Condition 12: Said condition pertains to a Riding and Hiking Trail system. This project does not propose Riding and Hiking Trails.
3. Standard Condition 27.1: Said condition states that the Final Map may be filed as units or groups of units. The Final Map for this project is required to include the entire area shown on the Tentative Map and shall not be filed as units or groups of units.

APPROVAL OF MAP: THE FOLLOWING SPECIFIC CONDITIONS SHALL BE COMPLIED WITH BEFORE A MAP IS APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AND FILED WITH THE COUNTY OF SAN DIEGO RECORDER: (and where specifically, indicated, conditions shall also be complied with prior to the approval and issuance of grading or other permits as specified):

1. PUBLIC ROAD IMPROVEMENTS: [DPW, LDR], [DPR, TC] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and the Community Trails Master Plan, of Pepper Drive (SC1870) (public) shall be improved. **Description of requirement:**

- a. Improve or agree to improve and provide security for Pepper Drive (SC1870) along the project frontage, to a graded width of thirty feet (30') from centerline and to an improved width of twenty feet (20') from centerline with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk and street lights, with face of curb at twenty feet (20') from centerline and taper transition to match existing pavement easterly and curb return radii of thirty feet (30') at the intersection with Pepper Villa Drive westerly. . The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty feet (20') from the centerline.

- b. Improve or agree to improve and provide security for Pepper Villa Drive along the project frontage, to a graded width of thirty feet (30') with twenty feet (20') of asphalt concrete pavement over approved base with Portland cement concrete curb, gutter, and sidewalk and street lights with face of curb at twenty feet (20') from centerline. The existing pavement may remain and shall be widened with asphalt concrete to provide a constant width of twenty feet (20') from the centerline. Curb return radii at the intersection with Pepper Villa Drive shall be thirty feet (30').
- c. Asphalt concrete surfacing material shall be hand-raked and compacted to form smooth tapered connections along all edges including those edges adjacent to soil. The edges of asphalt concrete shall be hand-raked at 45 degrees or flatter, so as to provide a smooth transition next to existing soil, including those areas scheduled for shoulder backing.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), the DPW [Land Development Improvement Plan Checking Manual](#) and the Community Trails Master Plan. The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities.

Documentation: The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve of Pepper Drive (SC1870) and Pepper Villa Drive (public roads), along the project frontages including taper transitions (easterly and northerly), and the intersection of Pepper Drive (SC1870) and Pepper Villa Drive.
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1.](#)
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.
- e. Obtain approval for the design and construction of all driveways, turnarounds, and private easement road improvements to the satisfaction of the Santee Fire Department and the Director of Public Works [DPW, LDR].

Timing: Prior to the approval of the map the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] and [DPR, TC, PP] shall review the plans for consistency with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

2. PRIVATE ROAD IMPROVEMENTS: [DPW, LDR], [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), the private easement road shall be improved. **Description of requirement:** Improve or agree to improve and provide security for the private road easement from Pepper Drive to cul-de-sac on Lots 9 as follows:

- a. A minimum graded width of twenty-eight feet (28') and a minimum improved width of twenty-four feet (24') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk with face of curb at twelve feet (12') from the radius point. The improvement and design standards of Section 3.1(C) of the County Standards for Private Roads for one hundred one (101) to seven hundred fifty (750) trips shall apply.
- b. Road shall terminate with a cul-de-sac graded to a minimum radius of thirty-eight feet (38') and surfaced to a minimum radius of thirty feet (30') with asphalt concrete pavement over approved base with Portland cement concrete curb, gutter and sidewalk with face of curb at twelve feet (12') from the radius point.

All plans and improvements shall be completed pursuant to the [County of San Diego Public Road Standards](#), and County of San Diego Private Road Standards, and the DPW [Land Development Improvement Plan Checking Manual](#). The improvements shall be completed within 24 months from the approval of the improvement plans, execution of the agreements, and acceptance of the securities. **Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve private road easement from Pepper Drive to cul-de-sac on Lots 9
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1](#).
- c. Upon approval of the plans, pay all applicable inspection fees with [DPW, PDCI].

- d. If the applicant is a representative, then a one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the final map, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

3. **PAVEMENT CUT POLICY: [DPW, LDR] [GP, IP,MA]**

Intent: In order to prohibit trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface, and to comply with County Policy RO-7 adjacent property owners shall be notified and solicited for their participation in the extension of utilities. **Description of requirement:** All adjacent property owners shall be notified who may be affected by this policy and are considering development of applicable properties, this includes requesting their participation in the extension of utilities to comply with this policy. No trench cuts for undergrounding of utilities in all new, reconstructed, or resurfaced paved County-maintained roads for a period of three years following project surface. **Documentation:** The applicant shall sign a statement that they are aware of the County of San Diego, Department of Public Works, Pavement Cut Policy to the satisfaction of the Department of Public Works (DPW), and submit it to the [DPW LDR] for review. **Timing:** Prior to the approval improvement plans and the approval of the final map, the letters shall be submitted for approval. **Monitoring:** The [DPW, LDR] shall review the signed letters.

4. **SIGHT DISTANCE: [DPW, LDR] [MA]**

Intent: In order to comply with the Design Standards of Section 6.1.(E) of the [County of San Diego Public Road Standards](#), and/or Section 3.2 (G) of the [County of San Diego Private Road Standards](#) an unobstructed view for safety while exiting the property and accessing a public road from the site, and unobstructed sight distance shall be verified. **Description of requirement:** Have a Registered Civil Engineer, a Registered Traffic Engineer, or a Licensed Land Surveyor provide a certified signed statement that: "Physically, there is minimum unobstructed sight distance based upon prevailing traffic speeds in both directions along Pepper Drive from [to be named] project private road easement"

- a. If the lines of sight fall within the existing public road right-of-way, the engineer or surveyor shall further certify that: Said lines of sight fall within the existing right-of-way and a clear space easement is not required."
- b. The engineer or surveyor shall further certify that: "The sight distance of adjacent driveways and street openings will not be adversely affected by this project."

Documentation: The applicant shall complete the certifications and submit them to the [DPW, LDR] for review. **Timing:** Prior to the approval of the final map, the sight distance shall be verified. **Monitoring:** The [DPW, LDR] shall verify the sight distance certifications.

5. ONSITE & OFFSITE DRAINAGE IMPROVEMENTS: [DPW, LDR], [DPR, TC, PP] [MA]

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#) and to comply with the [County Flood Damage Prevention Ordinance \(Title 8, Division 11\)](#), [County Watershed Protection Ordinance \(WPO\) No.9926](#), [County Code Section 67.801 et. seq.](#), and the [County Resource Protection Ordinance \(RPO\) No. 9842](#), drainage improvements shall be completed. **Description of requirement:** Improve or agree to improve and provide security for private drainage system and private drainage bio-swales.

All drainage plan improvements shall be prepared and completed pursuant to the following ordinances and standards: [San Diego County Drainage Design Manual](#), [San Diego County Hydrology Manual](#), [County of San Diego Grading Ordinance](#), [Zoning Ordinance Sections 5300 through 5500](#), [County Resource Protection Ordinance \(RPO\) No. 9842](#), Community Trails Master Plan and Parkland Dedication Ordinance and [County Flood Damage Protection Ordinance \(Title 8, Division 11\)](#), Low Impact Development (LID) and Hydromodification requirements and the [Land Development Improvement Plan Checking Manual](#).

The improvements shall be completed within 24 months from the recordation of final map or parcel map pursuant to [Subdivision Ordinance Sec. 81.403.1](#), The execution of the agreements, and acceptance of the securities shall be completed before the approval of any subdivision map. **Documentation:** The applicant shall complete the following:

- a. Process and obtain approval of Improvement Plans to improve private drainage system and private drainage bio-swales.
- b. Provide Secured agreements require posting security in accordance with [Subdivision Ordinance Sec. 81.405 through 81.406.1](#).

- c. Pay all applicable inspection fees with [DPW, PDCI].
- d. If the applicant is a representative, then one of the following is required: a corporate certificate indicating those corporation officers authorized to sign for the corporation, or a partnership agreement recorded in this County indicating who is authorized to sign for the partnership.

Timing: Prior to the approval of the final map, the plans, agreements, and securities shall be approved. **Monitoring:** The [DPW, LDR] [DPR TC, PP] shall review the plans for constancy with the condition and County Standards. Upon approval of the plans [DPW, LDR] shall request the required securities and improvement agreements. The securities and improvement agreements shall be approved by the Director of DPW.

6. **EROSION CONTROL: [DPW, LDR] [DPW, PDCI] [MA, IP, GP].**

Intent: In order to Comply with all applicable stormwater regulations the activities proposed under this application are subject to enforcement under permits from the [San Diego Regional Water Quality Control Board \(RWQCB\)](#) and the County of San Diego Watershed Protection, Stormwater Management, and Discharge Control [Ordinance No. 9926](#) and all other applicable ordinances and standards for this priority project. **Description of Requirement:** The applicant shall maintain the appropriate on-site and offsite Best Management Practices pursuant to the approved Stormwater Management Plan (SWMP) and Stormwater Protection Plan (SWPP) including, but not limited to the erosion control measures, irrigation systems, slope protection, drainage systems, desilting basins, energy dissipators, and silt control measure.

- a. An agreement and instrument of credit shall be provided pursuant to [Subdivision Ordinance 81.406](#), for an amount equal to the cost of this work as determined or approved by the [DPW, LDR], in accordance with the [County of San Diego Grading Ordinance Section 87.304\(e\)](#). The cash deposit collected for grading, per the grading ordinance, will be used for emergency erosion measures. The developer shall submit a letter to the County Department of Public Works authorizing the use of this deposit for emergency measures.

Documentation: The applicant shall provide the letter of agreement and any additional security and or cash deposit to the [DPW, LDR] for approval with the final submittal of all grading and improvement plans for the subdivision and required improvements as indicated above. **Timing:** Prior to approval of the subdivision final map, and the approval of any plan and the issuance of any permit, the agreement and securities shall be executed. **Monitoring:** The [DPW, LDR] shall ensure that the agreement and the securities provided adequately

satisfy the requirements of this conditions to potentially perform the required erosion control and stormwater control measures proposed on all construction and grading plans. The [DPW, PDCI] shall use the securities pursuant to the agreement to implement and enforcement the required stormwater and rosin control measures pursuant to this condition during all construction phases as long as there are open and valid permits for the site.

7. ROAD DEDICATION (ONSITE ONLY): [DPW, LDR] [DGS, RP] [MA].

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), road right of way shall be dedicated to the County. **Description of requirement:** Dedicate on the map to the County of San Diego an easement for road purposes that provides a twenty feet (20') of radius return at the intersection of Pepper Drive (SC1870) with Pepper Villa Drive in accordance with [County of San Diego Public Road Standards](#) for a right-of-way width together with right to construct and maintain slopes and drainage facilities to the satisfaction of the Director of Public Works.

The dedication shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required, and shall be accepted for public use. The affected utility company/district shall enter into a joint use agreement with the County of San Diego to the satisfaction of the County of San Diego, Director of Public Works. **Documentation:** The applicant shall dedicate the easement on the final map and show them as accepted. **Timing:** Prior to the approval of the Final map for this project, the onsite dedication shall be provided for roads. **Monitoring:** The [DPW, LDR] shall verify that the dedications are indicated on the map and accepted by the County.

8. CENTERLINE LOCATION: [DPW, LDR] [MA].

Intent: In order to promote orderly development and to comply with the [Subdivision Ordinance Sec. 81.403](#), the centerline of Pepper Drive (SC1870) shall be shown on the subdivision map. **Description of requirement:** The desired location of the centerline for Pepper Drive (SC1870) shall be determined, which is shown on the Circulation Element of the County General Plan as a as a Light Collector. The following shall be shown on the Final Map:

- a. The centerline location as approved by the Department of Public Works.

Documentation: The applicant shall indicate the centerlines on the map as indicated above. **Timing:** Prior to the approval of the final map the centerline shall be indicated on the map. **Monitoring:** The [DPW, LDR] shall verify that the centerlines are indicated on the map.

9. PRIVATE ROAD MAINTENANCE AGREEMENT: [DPW, LDR] [MA].

Intent: In order to ensure that the private road approved with this subdivision is maintained, the applicant shall assume responsibility of the private road.

Description of Requirement: A maintenance agreement shall be executed that indicates the following:

- a. Maintenance shall be provided through a private road maintenance agreement satisfactory to the Director of Public Works.
- b. The Director of Public Works shall be notified as to the final disposition of title (ownership) to private easement road, and place a note on the Final Map as to the final title status of said roads.
- c. Access to each lot shall be provided by private road easement not less than forty feet (40') wide.

Documentation: The applicant shall sign the private road maintenance agreement to the satisfaction of the Director of DPW and indicate the ownership on the map as indicated above. **Timing:** Prior to the approval of the map the agreement shall be executed and the ownership shall be indicated on the map.

Monitoring: The [DPW, LDR] shall review the executed agreement and the map for compliance with this condition.

10. RELINQUISH ACCESS: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to promote orderly development and to comply with the [Public Facilities Element and the Circulation element of the General Plan](#), access shall be relinquished. **Description of requirement:** Relinquish access rights onto Pepper Drive (SC1870) as shown on the approved plot plan. The access relinquishment shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. Only the one access point is permitted along Pepper Drive (SC1870). **Documentation:** The applicant shall prepare the legal descriptions and documents and present them for review and to [DGS, RP]. Upon execution of the relinquishment documents, the applicant shall provide copies of the documents to [DPW, LDR] for review. **Timing:** Prior to the approval of the final the access shall be relinquished. **Monitoring:** The [DGS, RP] shall prepare and execute the relinquishment documents and forward a copy of the recorded documents to [DPW, LDR] for review and approval.

11. AVIGATIONAL EASEMENT: [DPW, LDR] [DGS, RP] [MA]

Intent: In order to comply with Airport Land Use Compatibility Plan (ALUCP) an Avigational or overflight easement shall be granted. **Description of requirement:** an Avigation and/or overflight easement shall be granted over (entire property – if applicable) as shown on the approved map. The easement shall be free of any burdens or encumbrances, which would interfere with the purpose for which it is required. **Documentation:** The applicant shall prepare

the legal descriptions of the easement(s), submit them for preparation with the [DGS, RP], and pay all applicable fees associated with preparation of the documents. Upon Recordation of the easements, the applicant shall provide copies of the easement documents to [DPW, LDR] for approval. **Timing:** Prior to the approval of the final map the easement shall be executed. **Monitoring:** The [DGS, RP] shall prepare and execute the easement documents and forward a copy of the recorded documents to [DPW, LDR] for review and approval. The [DPW, LDR] shall review that the easements comply with this condition.

12. **STRUCTURE REMOVAL: [DPLU, PCC] [MA, GP, IP] [DPLU, FEE] Intent:** In order to comply with the Zoning Ordinance and the project design, the structure(s) on site shall be removed, relocated onsite, or demolished. **Description of Requirement:** The house and outbuildings located on-site as shown on the approved Tentative Map, shall be removed or demolished. A Demolition Permit shall be obtained from [DPLU Building Division]. Compliance with conditions 13 and 14 to determine the presence or absence of Lead Based Paints and or Asbestos shall be completed before the County can issue a Demolition Permit. **Documentation:** The applicant shall submit to the [DPLU, PCC] a signed stamped statement from a registered professional; Engineer, Surveyor, Contractor, which states, that the structures have been removed or demolished. The letter report shall also include before and after pictures of the area and structure(s). **Timing:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the statement and, photos, and any additional evidence for compliance with this condition.

13. **SEWER CONNECTION: [DEH, LWQ] [GP, BP, MA]**

Intent: In order to promote orderly development and to provide for sanitation, the parcel(s) shall be connected to public sewer. **Description of Requirement:** The parcel shall be connected to public sewer in the Padre Dam Municipal Water District. **Documentation:** Prior to connecting to the public sewer, the applicant shall obtain a sewer commitment letter from the Padre Dam Municipal Water District. Upon approval of connection, the applicant shall pay the costs of connection and fees associated with connecting to public sewer. **Timing:** Prior to approval and recordation of the map, the applicant shall obtain a sewer commitment letter from the Padre Dam Municipal Water District. **Monitoring:** Upon request of the applicant, [DEH, LWQ] shall verify condition satisfaction.

14. **HCD CONTRACT: [DPLU, PCC] [GP, BP, MA].**

Intent: In order to ensure that lot 4 is rented out at a very low income rate for 30 years in compliance with State Density Bonus Law, the applicant shall sign a contract with the County of San Diego Department of Housing and Community

Development (HCD). **Description of Requirement:** The applicant shall sign a contract with HCD giving HCD oversight and monitoring rights to ensure the reserved unit (lot 4) continues to remain restricted over the required time period of 30 years. The applicant shall pay HCD's cost of monitoring compliance with the terms and conditions of the contract. **Documentation:** The applicant shall submit a copy of the signed, recorded contract to the [DPLU, PCC] for review and approval. **Timing:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the HCD contract and any additional evidence for compliance with this condition.

15. LEAD SURVEY: [DPLU, PCC] [MA, GP] [DPLU, FEE X 2].

Intent: In order to avoid hazards associated with lead based paint (LBP) and to mitigate below levels of significance as established in the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) on site shall be surveyed for the presence of LBP because the structures were built prior to 1980. **Description of Requirement:** A survey shall be performed before the removal or demolition of the house and outbuildings located on-site as shown on the approved Tentative Map. The survey shall be completed by a California Department of Health Services (DHS) certified lead inspector/risk assessor to determine the presence or absence of lead based paint (LBP) located in the structure(s). The following conditions only apply if lead containing materials are found present:

- a. All lead containing materials shall be managed in accordance with applicable regulations including, at a minimum, the hazardous waste disposal requirements (Title 22 California Code of Regulations [CCR] Division 4.5), the worker health and safety requirements (Title 8 California Code of Regulations Section 1532.1), and the State Lead Accreditation, Certification, and Work Practice Requirements (Title 17 CCR Division 1, Chapter 8).
- b. All lead containing materials scheduled for demolition must comply with applicable regulations for demolition methods and dust suppression.

Documentation: The applicant shall submit a letter or report prepared by a California Department of Health Services (DHS) certified lead inspector/risk assessor to the [DPLU, PCC], which certifies that there was no presence of Lead Based Paint Material, or that there was LBP present and all lead containing materials have been remediated pursuant to code sections referenced above. **Timing:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the report and any additional evidence for compliance with this condition.

16. ASBESTOS SURVEY: [DPLU, PCC] [MA, GP] [DPLU, FEE X 2].

Intent: In order to avoid hazards associated with Asbestos Containing Materials (ACMs) because the structures were built prior to 1980, and to mitigate below levels of significance as established by the [County of San Diego Hazardous Materials and Existing Contamination Guidelines for Determining Significance](#), the structure(s) on site shall be surveyed for ACMs. **Description of Requirement:** A facility survey shall be performed to determine the presence or absence of Asbestos Containing Materials (ACMs) in the house and outbuildings located on-site as shown on the approved Tentative Map.

- a. Suspect materials that will be disturbed by the demolition or renovation activities shall be sampled and analyzed for asbestos content, or assumed to be asbestos containing. The survey shall be conducted by a person certified by Cal/OSHA pursuant to regulations implementing subdivision (b) of Section 9021.5 of the Labor Code, and shall have taken and passed an EPA-approved Building Inspector Course.
- b. If ACMs are found present, they shall be handled and remediated in compliance with the San Diego County Air Pollution Control District Rule 361.145 – Standard for Demolition and Renovation.

Documentation: The applicant shall submit to the [DPLU, PCC] a signed, stamped statement from the person certified to complete the facility survey indicating that the survey has been completed and that either regulated asbestos is present or absent. If regulated asbestos is present, the letter shall describe the procedures taken to remediate the hazard and certify that they have been remediated pursuant to code sections referenced above. **Timing:** Prior to the approval of any plan, issuance of any permit (excluding demolition permit), and prior to approval of the map the applicant shall comply with this condition. **Monitoring:** The [DPLU, PCC] shall review the report and any additional evidence for compliance with this condition.

ADOPTION STATEMENT: This Mitigated Negative Declaration was adopted and above California Environmental Quality Act findings made by the:

on _____

Rosemary Rowan, Planning Manager
Project Planning Division